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10
11 IN THE UNITED STATES DISTRICT COURT
12 FOR THE EASTERN DISTRICT OF WASHINGTON

13 EQUAL EMPLOYMENT OPPORTUNITY
14 COMMISSION

15 Plaintiff,

16 v.

17
18 STARLIGHT L.L.C.,

19 Defendant.

CIVIL ACTION NO. CV-06-3075-AAM

COMPLAINT

JURY TRIAL DEMAND

20
21 NATURE OF THE ACTION

22
23 This is an action under Title VII of the Civil Rights Act of 1964 and Title I of the
24 Civil Rights Act of 1991 to correct unlawful employment practices on the basis of race
25 and religion and to provide appropriate relief to Angela Harper ("Ms. Harper"). The

1 Equal Employment Opportunity Commission alleges that defendant subjected Ms.
2 Harper to discrimination when it failed to promote her on the basis of her race (Black)
3 and religion (Muslim). As a result of this discrimination, Ms. Harper was forced to
4 constructively discharge. Plaintiff seeks monetary relief, including pecuniary and
5 nonpecuniary compensatory and punitive damages and injunctive relief, on behalf of
6 Ms. Harper.

7 JURISDICTION AND VENUE

8
9 1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§451, 1331,
10 1337, 1343 and 1345. This action is authorized and instituted pursuant to sections
11 706(f)(1) and (3) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C.
12 sections 2000e-5(f)(1) and (3) ("Title VII"), and Section 102 of the Civil Rights Act of
13 1991, 42 U.S.C. §1981a.

14 2. The employment practices alleged to be unlawful were committed within
15 the jurisdiction of the United States District Court for the Eastern District of Washington.

16 PARTIES

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18 3. Plaintiff, the Equal Employment Opportunity Commission (the
19 "Commission"), is the agency of the United States of America charged with the
20 administration, interpretation and enforcement of Title VII, and is expressly authorized to
21 bring this action by Section 706(f)(1) of Title VII, 42 U.S.C. §2000e-5(f)(1).

22 4. At all relevant times, defendant Starlight L.L.C. ("Starlight") has been a
23 corporation continuously doing business in the State of Washington and has
24 continuously had at least 15 employees.
25

1 5. At all relevant times, defendant Starlight has continuously been an
2 employer engaged in an industry affecting commerce within the meaning of Sections
3 701(b), (g) and (h) of Title VII, 42 U.S.C. §§2000e-(b), (g) and (h).

4 STATEMENT OF CLAIMS

5 6. More than thirty days prior to the institution of this lawsuit, Ms. Harper filed
6 a charge with the Commission alleging violations of Title VII by defendant Starlight
7 L.L.C. All conditions precedent to the institution of this lawsuit have been fulfilled.
8

9 7. During Ms. Harper's employment with defendant , Starlight engaged in
10 unlawful employment practices at its restaurant in Ellensburg, Washington in violation of
11 §§ 703(a) of Title VII, 42 U.S.C. §§ 2000e-2(a). The practices include race and religious
12 discrimination, resulting in constructive discharge.

13 8. The effect of the practices complained of in paragraph 7 above has been
14 to deprive Ms. Harper of equal employment opportunities.

15 9. The unlawful employment practices complained of in paragraph 7 above
16 were intentional.
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18 10. The unlawful employment practices complained of in paragraph 7 above
19 were done with malice or with reckless indifference to Ms. Harper's federally protected
20 rights.

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PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining defendant, its officers, successors, agents, assigns, and all persons in active concert or participation with it, from engaging in any employment practices which discriminate.

B. Order defendant to institute and carry out policies, practices, and programs which provide equal employment opportunities for all employees, and which eradicate the effects of its past and present unlawful employment practices.

C. Order defendant to make whole Ms. Harper by providing appropriate back pay with prejudgment interest, in amounts to be determined at trial, and other affirmative relief necessary to eradicate the effects of its unlawful employment practices.

D. Order defendant to make whole Ms. Harper by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraph 7 above, including past and future out-of-pocket expenses, in amounts to be determined at trial.

E. Order defendant to make whole Ms. Harper by providing compensation for past and future nonpecuniary losses resulting from the unlawful practices complained of in paragraph 7 above, including without limitation emotional pain, suffering, and loss of enjoyment of life, in amounts to be determined at trial.

F. Order defendant to pay Ms. Harper punitive damages for its malicious and reckless conduct described in paragraph 7 above, in amounts to be determined at trial.

1 G. Grant such further relief as the Court deems necessary and proper in the
2 public interest.

3 H. Award the Commission its costs of this action.

4 JURY TRIAL DEMAND

5 The Commission requests a jury trial on all questions of fact raised by its
6 complaint.

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8 DATED this 16th day of August, 2006.

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